	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: DEC 12 2009	POLICY NO.: COR.16.10
		SUPERSEDES (Policy No. & Date): COR.16.10 & 07/15/93	
	SUBJECT: ADMISSION OF JUVENILES		Page 1 of 2

1.0 PURPOSE

To ensure the Department of Public Safety (PSD) is in compliance with the Juvenile Justice and Delinquency Prevention Act of 1974, Section 223 (a) (14), which states, "No juvenile shall be detained or confined in any jail or lock-up for adults."

2.0 REFERENCES AND DEFINITIONS

.1 References

- a. Juvenile Justice and Delinquency Prevention Act of 1974.
- b. Hawaii Revised Statutes (HRS), Chapter 352-28, Transfer to correctional facility."
- c. HRS, Chapter 571-22, "Waiver of jurisdiction; transfer to other courts."
- d. Departmental Policy and Procedure (P&P), COR.05.06, Admission Documentation.
- e. Departmental P&P, COR.14.04 Minor Transfer to an Adult Correctional Facility.

.2 Definitions

- a. Juvenile: A person less than eighteen years of age.
- b. Waiver of Jurisdiction: A process by which the Family Court waives jurisdiction and orders a juvenile held for criminal proceedings. This action terminates the Family Court jurisdiction and confers jurisdiction over a minor to a court of competent criminal jurisdiction.
- c. Waived Juvenile: A person greater than sixteen but less than eighteen who is conferred waiver of jurisdiction.

3.0 POLICY

The PSD shall comply with the Juvenile Justice and Delinquency Prevention Act of 1974 by not admitting to a correctional facility any juvenile that has not been granted a waiver of jurisdiction, except as provided for in Chapter 352-28, transfer to

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correctional facility.

Any ward after their sixteenth birthday, who has been committed to the care of the Director of the Department of Youth Services (DYS) and disrupts the order and discipline of any state operated youth correctional facility, injures staff or other person committed to the facility, or for other good cause, may be transferred by the Director of DYS to an adult correctional facility with the approval of the family court for the balance of the term provided. The family court may order the person's return to a youth correctional facility if the person demonstrates sufficient improvement or progress or for other good cause.

4.0 PROCEDURE

No facility shall accept a juvenile unless there is proper documentation that the juvenile has been waived from Family Court or that the Family Court is authorizing the juvenile to be held in an adult facility as being beyond the control of youth authorities. Proper documentation includes:

- .1 Order granting petition of waiver signed by a Family Court judge.
- .2 Order approving transfer to an adult correctional facility signed by a Family Court Judge.
- .3 A signed agreement by the Family Court Judge, the Directors of DYS and PSD may be utilized in lieu of a court order for transfer.

5.0 RESPONSIBILITIES

It is the facility Warden's responsibility to ensure no juvenile is admitted without proper authorization.

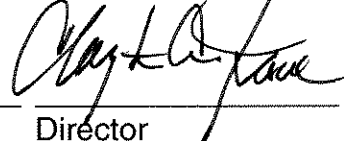
6.0 SCOPE

This policy shall apply to all Correctional Facilities.

APPROVAL RECOMMENDED:


Deputy Director for Corrections

APPROVED:

12/11/09  12/02/09
Date Director Date